

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUANITA A. CASSELL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C09-5796BHS

REPORT AND
RECOMMENDATION

Noted for September 3, 2010


This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4) and as authorized by Mathews v. Weber, 423 U.S. 261 (1976). Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final decision of the Commissioner of Social Security denying an application for social security benefits.

This matter is before the court on the parties' stipulated motion to remand the matter to the administration for further consideration. Doc. 17. The motion states that the parties agree the matter should be remanded pursuant to sentence four of 42 U.S.C. § 405(g) for a de novo hearing and further administrative proceedings, including, but not limited to, the following actions: the

1 administrative law judge (ALJ) will give further consideration to the opinions of Dr. Wheeler (Tr.
2 289-292, 303-306, 310-313), Dr. Krueger (Tr. 502-505), and Physician Assistant Buser (Tr. 275-278,
3 532-535, 536-539); the ALJ will further evaluate Plaintiff's subjective complaints and residual
4 functional capacity; the ALJ will consider the lay witness statement of Holly Sharpe (Tr. 147-155,
5 214-222) and Fay Parker (Tr. 223-231); the ALJ will obtain medical expert testimony if necessary;
6 and the ALJ will obtain supplemental vocational expert testimony.

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8 Based on the parties' agreement, the Court should remand the matter to the administrative
9 law judge for further consideration as noted above. Pursuant to 28 U.S.C. § 636(b)(1) and Rule
10 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from
11 service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file
12 objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474
13 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
14 set the matter for consideration on **September 3, 2010**, as noted in the caption.

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16 DATED at this 11th day of August, 2010.

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19 J. Richard Creatura
20 United States Magistrate Judge
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